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13 *Attorneys for Plaintiff,*
14 *David DiPiazza*

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF ARIZONA

17 David DiPiazza,

18 Case No.:

19 Plaintiff,

20

21 **COMPLAINT**

22 vs.
23 Experian Information Solutions, Inc.,
24 an Ohio corporation.

25

26 **JURY TRIAL DEMAND**

27 Defendant.

NOW COMES THE PLAINTIFF, DAVID DIPIAZZA, BY AND THROUGH COUNSEL, TRINETTE G. KENT, and for his Complaint against the Defendant, pleads as follows:

JURISDICTION

1. Jurisdiction of this court arises under 15 U.S.C. §1681p, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
 2. This is an action brought by a consumer for violation of the Fair Credit Reporting Act (15 U.S.C. §1681, *et seq.* [hereinafter “FCRA”]).

VENUE

3. The transactions and occurrences which give rise to this action occurred in the City of Scottsdale, Maricopa County, Arizona.
 4. Venue is proper in the District of Arizona, Phoenix Division.

PARTIES

5. The Defendant to this lawsuit is Experian Information Solutions, Inc. (“Experian”), which is an Ohio company that maintains a registered agent in Maricopa County, Arizona.

GENERAL ALLEGATIONS

6. Sometime before December 22, 2014, Plaintiff obtained his Experian credit file and noticed inaccuracies on the following trade lines (“Errant Trade Lines”):

- a. Bureau of Medical Economics, Account Number: 162XXXX;
 - b. Chase, Account Number: 58889622XXXX;
 - c. Capiro, Account Number: 44XXXX;
 - d. Consumer Recovery, Account Number: D596XXXX;
 - e. DTE Energy, Account Number: 117527XXXX;
 - f. DTE Energy, Account Number: 11752700XXXX;
 - g. DTE Energy, Account Number: 11752700XXXX;
 - h. Ingram Cnty Recorder of Deeds, Account Number: SQ2013046542XXXX;
 - i. Mcydsnb, Account Number: 438081808XXXX;
 - j. State of Mi Office Chi, Account Number: 5020090065097473324997473XXXX;
 - k. State of Mi Office Chi, Account Number: 502010005793974733249987473XXXX;
 - l. State Farm Fncl Svcs, Account Number: 85322264190XXXX;
 - m. Stellar Rec, Account Number: 9555XXXX;
 - n. SYNCB Sams Club, Account Number: 77141203XXXX; and
 - o. US Bkpt Ct East Dist MI, Case Number: 0953317WS.

7. On or about December 22, 2014, Mr. DiPiazza submitted a letter to Experian, disputing the Errant Trade Lines.

8. On or about February 4, 2015, Mr. DiPiazza received a letter from Experian, stating that it received a suspicious request and determined that it was not sent by Mr. DiPiazza. Experian stated that it would not be initiating any disputes based on the suspicious correspondence and that it would apply this same policy to any future suspicious requests that it received.

1 9. Experian refused to investigate Mr. DiPiazza's dispute, in violation of the Fair
2 Credit Reporting Act.
3

4 **COUNT I**

5 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**
6 **BY EXPERIAN**

7 10. Plaintiff realleges the above paragraphs as if recited verbatim.
8

9 11. Defendant Experian prepared, compiled, issued, assembled, transferred,
10 published, and otherwise reproduced consumer reports regarding Mr. DiPiazza
11 as that term is defined in 15 USC 1681a.
12

13 12. Such reports contained information about Mr. DiPiazza that was false,
14 misleading, and inaccurate.
15

16 13. Experian negligently failed to maintain and/or follow reasonable procedures to
17 assure maximum possible accuracy of the information it reported to one or
18 more third parties pertaining to Mr. DiPiazza, in violation of 15 USC 1681e(b).
19

20 14. After receiving Mr. DiPiazza's consumer dispute to the Errant Trade Lines,
21 Experian negligently failed to conduct a reasonable reinvestigation as required
22 by 15 U.S.C. 1681i.
23

24 15. As a direct and proximate cause of Experian's negligent failure to perform its
25 duties under the FCRA, Mr. DiPiazza has suffered actual damages, mental
26 anguish and suffering, humiliation, and embarrassment.
27

1 16. Experian is liable to Mr. DiPiazza by reason of its violation of the FCRA in an
2 amount to be determined by the trier fact together with his reasonable attorneys'
3 fees pursuant to 15 USC 1681o.

4
5 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
6 against Experian for actual damages, costs, interest, and attorneys' fees.
7

8 **COUNT II**

9 **WILFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT
10 BY EXPERIAN**

11 17. Plaintiff realleges the above paragraphs as if recited verbatim.

12 18. Defendant Experian prepared, compiled, issued, assembled, transferred,
13 published, and otherwise reproduced consumer reports regarding Mr. DiPiazza
14 as that term is defined in 15 USC 1681a.

15 19. Such reports contained information about Mr. DiPiazza that was false,
16 misleading, and inaccurate.

17 20. Experian willfully failed to maintain and/or follow reasonable procedures to
18 assure maximum possible accuracy of the information that it reported to one or
19 more third parties pertaining to Mr. DiPiazza, in violation of 15 USC 1681e(b).

20 21. After receiving Mr. DiPiazza's consumer dispute to the Errant Trade Lines,
21 Experian willfully failed to conduct a reasonable reinvestigation as required by
22 15 U.S.C. 1681i.
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1 22. As a direct and proximate cause of Experian's willful failure to perform its
2 duties under the FCRA, Mr. DiPiazza has suffered actual damages, mental
3 anguish and suffering, humiliation, and embarrassment.
4

5 23. Experian is liable to Mr. DiPiazza by reason of its violations of the FCRA in an
6 amount to be determined by the trier of fact together with his reasonable
7 attorneys' fees pursuant to 15 USC 1681n.
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9
10 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment
11 against Experian for the greater of statutory or actual damages, plus punitive damages,
12 along with costs, interest, and attorneys' fees.
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16 **JURY DEMAND**
17

18 Plaintiff hereby demands a trial by Jury.
19

20 DATED: December 22, 2015
21

NITZKIN & ASSOCIATES
22

23 By: /s/ Trinette G. Kent
24 Trinette G. Kent
25 Attorneys for Plaintiff,
26 David DiPiazza
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